SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Gangtok, Monday 18th October, 1993. No. 142

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 8/LD/1993. Dated Gangtok the 18th October, 1993.

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 11th day of October, 1993 is hereby published for general information:—

THE SIKKIM COMMISSION FOR BACKWARD CLASSES ACT, 1993

(ACT NO. 8 OF 1993)

AN

ACT.

to constitute a State Commission for Backward Classes other than the Scheduled Castes and the Scheduled Tribes in Sikkim and to provide for matters connected therewith or incidental thereto.

BE it enacted by the Legislature of Sikkim in the Forty-fourth Year of the Republic of India as follows :-

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Sikkim Commission for Backward Classes Act, 1993.

(2) It extends to the whole of Sikkim.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires ;

(a) "Backward classes", for the purpose of this Act means such backward classes of citizens other than the Scheduled Castes and the Scheduled Tribes as may be specified by the State Government in the lists ;

(b) "Commission" means the Sikkim Commission for Backward Classes constituted under Section 3 ;

(c) "Lists" means lists prepared by the Government of Sikkim from time to time for purposes of making provision for the reservation of appointments or posts in favour of backward classes of citizens which, in the opinion of that Government, are not adequately represented ;

(d) "Members" means a Member of the Commission and includes the Chairperson ;

(e) "prescribed" means prescribed by rules made under this Act.

CHAPTER - II

THE SIKKIM COMMISSION FOR BACKWARD CLASSES

Constitution of the Sikkim Commission for Backward Classes.

3. (1) The State Government shall by Notification in the Official Gazette, constitute a body to be known as the Sikkim Commission for Backward Classes to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Commission shall consist of not more than nine members to be nominated by the State Government.

(3) The State Government while constituting the Commission shall give due consideration to persons having knowledge of Social Sciences and matters relating to backward classes.

(4) The State Government shall appoint a person who is or has been a Judge of a High Court to be the Chairperson of the Commission.

(5) A person who is or has been an Officer of the State Government in the rank of a Secretary to the Government of Sikkim shall be the Member Secretary of the Commission.

Term of Office and conditions of service of Chairperson and Members.

4. (1) Every Member shall hold office for a term of three years from the date he assumes office.

(2) A Member may, by writing under his hand addressed to the State Government, resign from the office of Chairperson or, as the case may be, of Member at any time.

(3) The State Government shall remove a person from the office of Member if that person -

(a) becomes an undischarged insolvent ;
(b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude ;
(c) becomes of unsound mind and stands so declared by a competent court ;
(d) refuses to act or becomes incapable of acting ;
(e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission ; or
(f) has, in the opinion of the State Government, so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the interests of backward classes or the public interest :

Provided that no persson shall be removed under this Clause until the person has been given an opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled up by fresh nomination.

(5) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed.

Officers and other employees of the Commission.

5. (1) The State Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

Salaries and allowances to be paid out of grants.

6. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 12.

Vacancies etc. not to invalidate proceedings of the Commission.

7. No act or proceedings of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

.rocedure to be regulated by the Commission.

8. (1) The Commission shall meet as and when necessary at such time and place as the Chairperson may think fit.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member Secretary or any other officer of the Commission duly authorised by the Member Secretary in this behalf.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

Function of the Commission.

9. (1) The Commission shall examine requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of over-inclusion or under-inclusion of any backward class in such lists and tender such advice to the State Government as it deems appropriate.

(2) The advice of the Commission shall ordinarily be binding upon the State Government.

Powers of the Commission.

10. The Commission shall, while performing its functions under sub-section (1) of section 9, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
(b) requiring the discovery and production of any document;
(c) receiving evidence on affidavits;
(d) requisitioning any public record or copy thereof from any court or office;
(e) issuing commissions for the examination of witnesses and documents; and
(f) any other matter which is required to be or may be, prescribed.

Periodic revision of lists by the State Government.

11. (1) The State Government may at any time, and shall, at the expiration of ten years from coming into force of this Act and every succeeding period of ten years thereafter, undertake revision of the lists with a view to excluding from such lists those classes who have ceased to be backward classes or for including in such lists new backward classes.

(2) The State Government shall, while undertaking any revision referred to in sub-section (1), consult the Commission.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

Grants by the State Government.

12. (1) The State Government shall, after due appropriation made by State Legislature, by law in this behalf, pay to the Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

Accounts and Audit.

13. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Accountant General, Sikkim.

(2) The accounts of the Commission shall be audited by the Accountant General, Sikkim, at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Accountant General, Sikkim.

(3) The Accountant General, Sikkim, and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Accountant General, Sikkim, generally has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

Annual Report.

14. The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the State Government.

Annual report and audit report to be laid before State Legislature.

15. The State Government shall cause the annual report, together with a memorandum of action taken on the advice tendered by the Commission under section 9 and the reasons for the non-acceptance, if any, of any such advice, and the audit report to be laid as soon as may be after they are received before the State Legislature.

CHAPTER V

MISCELLANEOUS

Chairperson, Members and employees of the Commission to be public servants.

16. The Chairperson, Members and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. (45 of 1860).

Power to make rules.

17. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of the Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

(a) salaries and allowances payable to, and the other terms and conditions of service of the Chairpersons and Members under sub-section (5) of section 4 and of officers and other employees under sub-section (2) of section 5 ;

(b) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 13 ;

(c) the form in, and the time at, which the annual report shall be prepared under section 14 ;

(d) any other matter which is required to be or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to remove difficulties.

18. (1) If any difficulty arises in giving effect to the provisions of the Act, the State Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient, for removing the difficulty.

(2) Every order made under this section shall, as soon as may be after it is made be laid before the State Legislature.

By order of the Governor,

B. R. Pradhan
Secretary to the Government of Sikkim
Law Department.
F. No. 16(271)LD/93.

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SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok, Monday, 12th November, 2001 No. 412

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 10 /LD/2001. Dated: 12.11.2001.

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 6th day of November, 2001 is hereby published for general information :-

THE SIKKIM COMMISSION FOR BACKWARD CLASSES (AMENDMENT)ACT, 2001

ACT NO.10 OF 2001

AN

ACT

to amend the Sikkim Commission for Backward Classes Act, 1993.

1. Be it enacted by the Legislature of Sikkim in the Fifty-Second Year of Republic of India as follows:-

Short title, extent and commencement.

(1) This Act may be called the Sikkim Commission for Backward Classes (Amendment) Act, 2001.

(2) It extends to the whole of Sikkim.

(3) It shall come into force at once.

Amendment of section 3

2. In the Sikkim Commission for Backward Classes Act, 1993, in section 3, for sub-section 4, the following shall be substituted, namely:-

"(4) The State Government shall appoint a person who is a socio-political worker of eminence, ability,, integrity and standing and who inspires confidence amongst the other backward classes as the Chairperson of the Commission".

By Order.

T. D. Rinzing,
Secretary to the Govt. of Sikkim,
Law Department.
F.No. 16(82) LD/2001

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